

I stand here today to salute one company that has fought back at this revelation of this activity by the U.S. Chamber of Commerce. CVS Health—you know them from their drugstores and pharmacies—announced it was going to quit the U.S. Chamber of Commerce because the Chamber's efforts to promote tobacco conflict with the CVS corporate policy that decided over a year ago to stop selling tobacco products in their drugstores.

I congratulate CVS Health. It is pretty bold when they decide they are going to walk out on the U.S. Chamber of Commerce because of these rotten policies they have in discouraging tobacco control overseas. Maybe this decision by CVS will give the Chamber of Commerce a reason to think twice about a policy that is going to result in deadly addictions and terrible disease. It should. The Chamber should end this insidious campaign as quickly as possible. Without question, CVS Health has shown again, as they did last year, that protecting the public health is good business and it is essential to good, responsible corporate citizenship.

The World Health Organization estimates that tobacco kills more than 6 million people worldwide every year. In the 21st century, 1 billion people—1 billion—are expected to die as a result of tobacco. And many of these deaths are in the poorest nations on Earth—8 out of 10 of today's smokers living in low-income and middle-income countries. It is unconscionable that the U.S. Chamber of Commerce is going after the laws to protect the people in these poor countries.

More than a decade ago, the World Health Organization adopted an international treaty focused on reducing tobacco consumption. This treaty, supported by 180 countries, obligates nations to employ practices to reduce tobacco use. We have made a lot of progress in the last 10 years. Madam President, 49 countries have passed comprehensive smoke-free laws protecting over 1 billion people. Madam President, 42 countries have strong, graphic warning labels, covering almost 20 percent of the population that buys these products. These policies save lives and prevent cancer, heart disease, and lung cancer.

It is hard to imagine how the U.S. Chamber of Commerce can rationalize policies that literally promote the death of innocent people from the use of tobacco.

Hats off to the CVS Health corporation for stepping up and showing responsible corporate citizenship in resigning from the U.S. Chamber of Commerce. Maybe if the U.S. Chamber of Commerce comes to its senses, CVS might consider rejoining it.

#### HAITI

Mr. DURBIN. Madam President, over the Fourth of July recess, I joined with Senator BILL NELSON and we went to Haiti. It is not a popular spot for Mem-

bers of Congress to go on a weekend, but we made a point of going. It was a return trip for both of us.

Our visit the first time was 5 years ago, after the devastating earthquake that left the capital city of Port au Prince in ruins, claimed more than 200,000 lives, and more than 1 million people were displaced from their homes. I recall visiting the island that many years ago, 2 years after the earthquake, and witnessing the ongoing devastation—people still living in tents. So it was with some satisfaction to see that Haiti has come a long way. Buildings are being rebuilt, the overwhelming majority of those displaced have found housing, and the economy is starting to recover.

The United States has been a major contributor to Haiti's recovery, and I want to praise the dedicated American Government officials who work in a challenging environment—notably under the incredible and tireless and amazing leadership of our U.S. Ambassador in Haiti, Pam White, a career employee of USAID and now our Nation's Ambassador to Haiti.

I noted that the Senate recently confirmed a couple of President Obama's nominees to become Ambassadors. There are now dozens still waiting. Can you imagine the United States of America in our Embassies overseas with no Ambassador month after month after month, when worthy people have been nominated and the U.S. Senate refuses to even consider an Obama nomination for Ambassador? Many of these are not political. They are career. They spent their career working in the State Department. Now, at the end of their career, they are named Ambassador, and the Foreign Relations Committee in the Senate, under Republican leadership, refuses to call President Obama's nominees for these ambassadorial posts.

In many countries, the foreign minister in those countries counts the days and weeks that the United States has not had an ambassador. It is an embarrassment. I hope the majority party now will at least give the President and our Nation the opportunity to put good representatives of our countries overseas.

Madam President, I wish to say a few words about the current President of Haiti, whose term ends this year. His name is Michel Joseph Martelly. He is known as Sweet Micky, which used to be his stage name when he was a rock and roll singer. He has now been the President 4½ years and has done some very good things. He wisely guided his nation through the post-earthquake process and a lot of political change.

The end of his term marks an important moment for Haiti and its future. Given that the Haitian Parliament dissolved in January, the success and timeliness of these elections cannot be overstated. I urge the political parties and candidates to renounce the use of electoral violence and to participate constructively in the upcoming elec-

tion. And I hope that the neighboring country, the Dominican Republic, will join with Haiti in resolving some very vexing immigration problems between these two countries. These are problems which involve some of the poorest people on that island of Hispaniola. We need to find a way to treat them in a decent and humane fashion so they can ultimately be located in a place where they can maintain their dignity and their work.

#### EVERY CHILD ACHIEVES ACT

Mr. DURBIN. Madam President, on the floor now when we return for debate is the Elementary and Secondary Education Act, which has been named the Every Child Achieves Act, and is before the Senate this week. We may finish it. The issue is our opportunity on a periodic basis to debate the future of K-12 education in America. Millions of Americans follow this debate. It affects their local schools and school districts.

It was under President George W. Bush that there was an amazing bill passed called the No Child Left Behind Act. What was amazing, politically, was that President Bush—a Republican and a conservative—called for a larger role by the Federal Government in evaluating school districts and teachers and in deciding whether they were succeeding. It was controversial from the start. Ultimately, we have moved away from it.

This new bill takes a much different approach. Instead of testing, testing, testing and grading school districts, we are basically shifting the responsibility back to the States to do this. It remains to be seen whether this is or will be an improvement.

We learned a lot under No Child Left Behind when we took a close look at test scores. To say what the average test score is at a school meant very little—or nothing—when we broke out the students at the school and found out that some were doing exceedingly well and some not so well at all. We could find groups of students—some minority groups, for example—who were not doing very well at school, but the other kids might have brought the scores up. So now, by disaggregating scores, we can target our efforts and make sure that some students have a fighting chance.

It remains to be seen, under this Every Child Achieves Act, whether we have gone far enough or too far in shifting the responsibility back to the States.

I will mention very briefly, because I see my friend and colleague from Vermont on the floor, that there is one amendment here that I have offered with Senator CAPITO. This bipartisan amendment would require States to include information on their State report cards about postsecondary enrollment rates at public and State institutions. It will allow States to go further and include information on private, public,

and out-of-State enrollment as well. It would encourage States to produce and publish data on remediation rates on students, so we can better understand which high schools are truly preparing their students for postsecondary education. Much of the data is already collected by the States. So the additional burden would be minimal.

Ensuring students coming out of high school are college and career ready is an important goal of the bill. Our commonsense bipartisan amendment would help track whether that goal is being met.

The amendment is supported by the Business Roundtable, Leadership Conference on Civil Rights, Education Trust, National Center for Learning Disabilities, National Council of La Raza, the U.S. Chamber of Commerce, and America Forward.

There is one other amendment I have, and I will close on this. When it relates to high school athletics, many of us are concerned about the incidents of concussions occurring in sporting events. I filed an amendment based on my Protecting Student Athletes from Concussions Act. It is supported by the American Academy of Neurology, American College of Sports Medicine, Illinois High School Association, NCAA, Major League Baseball, National Basketball Association, National Football League, National Hockey League, and many others.

It directs States to develop concussion safety plans for public schools to protect student athletes from this dangerous injury. Most importantly, it would require the adoption of a "when in doubt, sit it out" policy, promoted by the medical community. This means that a student athlete suspected of a concussion would be removed from play and prohibited from returning to play that same day, no matter what. It doesn't make any difference how much he pleads or what the score of the game is or who is sitting in the stands. If you think you have evidence of a concussion, be safe. Don't put that student athlete back on the field.

It would take the decision on when to put an injured athlete back in the game out of the hands of the coach, the athlete, and the parents. While I don't believe we will be able to get the adoption of the full amendment, I am pleased that a substitute includes a clear statement that allows funds to be used to develop these policies. I thank Chairman ALEXANDER and Senator MURRAY for working with us to include that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, my dear friend, the senior Senator from Kansas, is going to speak next, but he has graciously allowed me to have the very few minutes I asked for, and then he will be recognized as soon as I give my statement.

(The remarks of Mr. LEAHY pertaining to the submission of S. Res. 222

are printed in today's RECORD under "Submitted Resolutions.")

Mr. LEAHY. I yield the floor, and I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank my colleague. I hope he gets better from his cold. He did our sports presentation for us this morning. Maybe he could do the sports news for us every morning.

Mr. LEAHY. If the Senator will yield, it is not a cold. There are a few more pollens in the air that we Vermonters are not used to.

Mr. ROBERTS. I understand.

#### EVERY CHILD ACHIEVES ACT

Mr. ROBERTS. Madam President, I rise to talk about the bill we have before us today.

We in the Senate have a unique opportunity long overdue and a responsibility to reauthorize the Elementary and Secondary Education Act. The acronym is ESEA. This legislation is long overdue. It is vital for our children and their future that we get it right when addressing education policy. The consequences will be seen for years to come.

I would like to acknowledge and especially commend the work of Chairman LAMAR ALEXANDER and Ranking Member PATTY MURRAY, who worked so hard to get us to this point. This is something rather unique in the Senate. We are coming together. We are percolating with regards to important bills. This is a tremendously important bill.

Due to their bipartisan leadership, the Every Child Achieves Act was approved back in April by the HELP Committee, of which I am a proud member, 22 to 0. I was very proud to vote yes.

Let me repeat that. It passed 22 to 0. Because of that hard work, led by Senators ALEXANDER and MURRAY, we are currently debating ESEA in the Senate for the first time since 2001. That is 14 years—14 years—that we have not had a reauthorization bill come to the Senate floor, and there is a lot of hope that it will pass. This is a prime example of what is possible when the Senate functions as it should and committees are actually able to legislate.

Recently, 10 national education groups, representing educators, principals, school boards, superintendents, chief State school officers, parents and PTAs, and school business officials, called on the Senate to consider the Every Child Achieves Act to reauthorize the ESEA.

Daniel Domenech, executive director of the School Superintendents Association, wrote this in a letter:

The nation's K-12 graders have spent every day of their K-12 experience under an outdated and broken ESEA. Our students want and deserve more.

His remarks perfectly summarize the issues at hand.

I want to turn to a critical issue for States and school districts. Over the

last few years, the administration has doubled down on Federal mandates and has used the waiver process to create law by fiat—thereby circumventing Congress and allowing those who have a Federal agenda in Washington to make too many decisions that are best left to the States and the school districts. It is evident that waivers have been granted only to those States that agree to implement the administration's preferred education policies. That is just not right.

In fact, the New York Times has referred to the waiver process as "the most sweeping use of executive authority to rewrite Federal education law since Washington expanded its involvement in education in the 1960s."

Under section 9401 of current law, the "Secretary may waive any statutory or regulatory requirement of this Act for a state education agency, local education agency, Indian tribe or school" if that entity receives funds and requests a waiver.

Language included in the Every Child Achieves Act amends section 9401 to clarify that the waiver process is intended to be led by State and local requests, not Washington mandates. This will help ensure the process is State-driven and will allow for greater flexibility and innovation.

In July 2011, the Congressional Research Service issued a report providing an overview of the Secretary's waiver authority under ESEA and warned of potential legal limits and challenges to the Secretary's flexibility proposal.

The report states: "If the Secretary did, as a condition of granting a waiver, require a grantee to take another action not currently required under the ESEA, the likelihood of a successful legal challenge will increase."

I have worked long and hard for language in the bill—years and years—that will prohibit the Secretary from imposing any additional requirements to waiver requests not authorized by the Congress. I am fully committed to fighting this one-size-fits-all Federal education agenda because I firmly believe local control is best when it comes to education.

The Every Child Achieves Act, in its current form, puts an end to Washington mandates and allows Kansans to make their own decisions about the best way to improve education. While this legislation heads in the right direction in reducing the Federal footprint, I want to remind my colleagues it is important that we avoid adding back Federal mandates and prescriptive requirements.

As we move forward, I will continue to push to return K-12 education decision-making to State and local control, where we can establish the best policies to ensure that every child receives the highest quality education.

Now, I would like to briefly discuss something called Common Core and the Federal overreach in education. Common Core started out as a State-